

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE 2024-___

1 AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FOREST
2 PARK, GEORGIA TO AMEND TITLE 9 (LICENSING AND REGULATIONS) BY ADOPTING
3 CHAPTER 16 (CONSUMER FIREWORKS) IN THE CITY OF FOREST PARK, GEORGIA’S
4 CODE OF ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN
5 EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

6 **WHEREAS**, the duly elected governing authority of the City of Forest Park, Georgia (the
7 “City”) is the Mayor and Council thereof; and

8 **WHEREAS**, section 36-35-3 of the Official Code of Georgia Annotated (O.C.G.A.)
9 provides cities the power to adopt clearly reasonable ordinances, resolutions or regulations relating
10 to the cities’ property and affairs; and

11 **WHEREAS**, the City desires to regulate the use of consumer fireworks as authorized by
12 Article IX, Section II of the 1983 Constitution of the State of Georgia by adopting provisions in
13 the City’s Code of Ordinances (“Code”) which will aid in the decrease of government services;
14 and

15 **WHEREAS**, the amendments contained herein would benefit the health, safety, morals,
16 and welfare of the citizens of the City of Forest Park, Georgia.

17 **BE IT AND IT IS HEREBY ODRAINED BY THE MAYOR AND COUNCIL OF**
18 **THE CITY OF FOREST PARK, GEORGIA THAT**, and by the authority thereof:

19 **Section 1.** The text codified in Title 9 (“Licensing and Regulation”) in the City’s Code of
20 Ordinances is hereby amended to include a new Chapter 16 (“Consumer Fireworks”), to be read
21 and codified as set forth in **Exhibit A** attached hereto and incorporated herein.

22 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
23 incorporated by reference as if fully set out herein.

24 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
25 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
26 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

27 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
28 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
29 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
30 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
31 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
32 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
33 Ordinance.

34 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
35 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
36 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
37 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
38 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
39 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
40 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and

41 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
42 effect.

43 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
44 repealed.

45 **Section 5.** This Ordinance shall be codified in a manner consistent with the laws of the
46 State of Georgia and the City.

47 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
48 otherwise stated herein.

49 **Section 7.** The City Clerk, with the concurrence of the City Attorney, authorized to correct
50 any scrivener's errors found in this Ordinance, including any exhibits, as enacted.

51 **SO ORDAINED** this _____ day of _____, 2024.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, *Mayor*

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

52 TITLE 9 - LICENSING AND REGULATION

53 CHAPTER 16- CONSUMER FIREWORKS

54 Sec. 9-16-1. – Definitions.

55 Except as otherwise provided by O.C.G.A. § 25-10-1, as amended, the following definitions
56 shall apply when used in this chapter:

57 (a) “*Consumer fireworks*” means any small fireworks devices containing restricted
58 amounts of pyrotechnic composition, designed primarily to produce visible or
59 audible effects by combustion, that comply with the construction, chemical
60 composition, and labeling regulations of the United States Consumer Product Safety
61 Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of
62 Federal Regulations, the United States Department of Transportation as provided for
63 in Part 172 of Title 49 of the Code of Federal Regulations, and the American
64 Pyrotechnics Association as provided for in the 2001 American Pyrotechnics
65 Association Standard 87-1, and additionally shall mean Roman candles.

66 (b) As used in this chapter, the term “consumer fireworks” or “fireworks” shall not
67 include:

68 (1) Model rockets and model rocket engines designed, sold, and used for the
69 purpose of propelling recoverable aero models, toy pistol paper caps in
70 which the explosive content averages one quarter (0.25) grains or less of
71 explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy
72 guns, or other devices using such paper caps; nor shall the term “consumer
73 fireworks” or “fireworks” include ammunition consumed by weapons used
74 for sporting and hunting purposes; and

75 (2) Wire or wood sparklers of one hundred (100) grams or less of mixture per
76 item; other sparkling items which are nonexplosive and nonaerial and
77 contain seventy-five (75) grams or less of chemical compound per tube or a
78 total of five hundred (500) grams or less for multiple tubes; snake and glow
79 worms; smoke devices; or trick noise makers which include paper
80 streamers, party poppers, string poppers, snappers, and drop pops each
81 consisting of (one quarter (0.25) grains or less of explosive mixture.

82 Sec. 9-16-2. – Consumer fireworks special use permit required.

83 (a) *Permit Required.* Except as otherwise permitted by state law or provided in this chapter, it
84 shall be unlawful for any person, firm, corporation, association or partnership to discharge,
85 use, ignite, or cause to be ignited any consumer fireworks anywhere in the city without first
86 being issued a special use permit.

87 (b) *Exception.* No consumer fireworks special use permit is required for the ignition or use of
88 consumer fireworks on the following days: on January 1, July 3, July 4, and December 31

89 of each year after the time of 9:00 p.m. and up to and including the time of 11:59 p.m.; and
90 on January 1 of each year beginning at the time of Midnight and up to and including the
91 ending time of 1:00 a.m.

92 Sec. 9-16-3. – Application for consumer fireworks special use permit.

93 (a) *Application Content.* An application for a consumer fireworks special use permit for the
94 discharge, use, or ignition of consumer fireworks shall be made to the city code
95 enforcement department located in the city police department and shall include the
96 following information:

97 (1) The name of the person, firm, corporation, association, or partnership seeking
98 the special use of consumer fireworks.

99 (2) The name of any official event or events associated with the special use of
100 consumer fireworks.

101 (3) The day and time of the requested use of consumer fireworks.

102 (4) The street address location or locations of the requested use of consumer
103 fireworks.

104 (b) *Fee.* The application for a consumer fireworks special use permit shall require an
105 administrative fee of one hundred dollars (\$100.00).

106 (c) *Deadline for Submittal.* Applications for a consumer fireworks special use permit must be
107 submitted no later than three (3) business days before the planned discharge, use, or ignition
108 of consumer fireworks within the city.

109 (d) *Decision.* City code enforcement will receive the application and make a determination as
110 to whether or not the issuance of special use permit is appropriate on a case-by-case basis.

111 (e) *Permit Duration.* The duration of the consumer fireworks special use permit shall not be
112 longer than seven (7) calendar days from the date of issuance.

113 (f) Consumer fireworks shall not be discharged, used, or ignited, and no special use permit
114 shall allow for the discharge, use, or ignition of consumer fireworks, within the city during
115 times and hours in conflict with the city's general noise ordinance contained in Title 11,
116 Chapter 5, of the City's Code of Ordinances.